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US EPA ARCHIVE DOCUMENT

UNITED STATES

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE PROGRAM DIALOGUE

COMMITTEE MEETING

December 14-15, 2010

Conference Center - Lobby Level

2777 Crystal Drive

One Potomac Yard South

Arlington, VA 22202

1 P R O C E E D I N G S

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3 DR. BRADBURY: I want to welcome you all to our
4 Federal Advisory Committee. My name is Steve Bradbury.
5 I'm the director of the pesticide program. I'm a
6 colleague who is looking forward to a good day and a half
7 of discussions with you on a number of topics. I greatly
8 appreciate you all making it here.

9 I'm sure some had some adventures to airports
10 in the Midwest and the west as to weather. Of course, in
11 DC, if we get just a few flakes of snow, it creates a
12 panic. It's kind of intriguing for me growing up in
13 Wisconsin and Minnesota to watch what evolves around here
14 if the snow comes. I really appreciate
15 you being here.

16 What I'd like to do before we get into the meat
17 of the agenda is have Steve Owens, who is the assistant
18 administrator for the Office of Chemical Safety and
19 Pollution Prevention, give a few opening comments. Steve
20 joined us about a year or so ago now, right, almost two
21 years?

22 MR. OWENS: A year and a half.

1 DR. BRADBURY: Year and a half. In our broad
2 office we deal not only with pesticides but also issues concerning
3 industrial chemicals (Toxic Substances Control Act), pollution
4 prevention, as well as our endocrine disruptor screening
5 program, amongst other areas.

6 Steve's background from the state of Arizona
7 includes dealing with issues of pollution prevention and
8 protection of water quality issues as well
9 as time on the Hill working on global climate change - he
10 really brings a wealth of experience and insight to our
11 program. He's been very helpful in the last year and a
12 half.

13 So, with that, I'd like to ask Steve to give a
14 few opening comments.

15 MR. OWENS: Thank you, Steve. I appreciate the
16 introduction. You should just be aware that the
17 performance evaluations have already been done so you
18 don't have to suck up quite as much. If most of you are
19 like me, you can tell the esteem with which you are held
20 when you notice that you get the leg at the table here.
21 It always seems to happen to me at these meetings.

1 But I want to thank all of you for being here.
2 I know it wasn't easy, as Steve said, for many of you to
3 get here. We had a session yesterday with a work group
4 dealing with computational toxicology (inaudible) and
5 all that. It took a while, I think, for the folks to
6 actually get into town, but I know it was a good session
7 overall. So, we really appreciate the efforts you made.

8 We also appreciate the fact that in light of
9 the fact that it took us a while to get the membership
10 finalized on this -- and some of you didn't get notified
11 of this meeting until relatively recently -- we apologize
12 for that. It's just kind of the vicissitudes of the
13 process, because there has been some change in the
14 membership of this committee.

15 There are some folks who are sitting in the
16 audience who are used to sitting at the table. We
17 appreciate their continued interest in the PPDC by coming
18 to watch. There's some folks who used to be in the
19 audience who are now sitting at the table. There are
20 some new folks who may have never been to one of these
21 before who are here for the first time. So, we have a
22 very good group of people.

1 There is a great deal of diversity around the
2 table, a lot of different interests, as well as
3 perspectives and backgrounds. That's an extreme value to
4 us because this group, the PPDC, is one of the most
5 important.

6 The fact is, we have a couple advisory
7 committees, certainly in the Office of Chemical Safety
8 and Pollution Prevention. It's been around for a long
9 time. It's done invaluable service to us and to the
10 American people in terms of providing us with information
11 on issues that affect our pesticide program, as well as
12 some of the things that are of concern to you, to bring
13 our attention that we need to be thinking about or
14 working on.

15 As Steve mentioned, I've been in this job since
16 July of 2009, having finally been confirmed by the
17 Senate at that time. It's been a fascinating
18 experience so far in the roughly 18 months that I've been
19 here and working with the pesticide program and working
20 with the PPDC.

21 It's really been one of the truly valuable
22 experiences for me, because it wasn't something I had a

1 lot of background in when I came to this office. I had
2 been the director of the Arizona Department of
3 Environmental Quality for a number of years under
4 Governor Napolitano during the whole time. (Inaudible)
5 worked on the Hill, as Steve said.

6 I've done other things in my professional
7 career, but it always had some involvement in pesticide
8 issues but not to the degree to which I am involved now
9 in charge of this office or the degree to which I have to
10 be involved in terms of looking at these issues on behalf
11 of the administrators.

12 The one thing that Administrator Jackson made
13 clear to me when I came into this position was that the
14 work that's being done in the Office of Pesticide
15 Programs is some of the most important and significant
16 work that the agency is doing.

17 For those of you who heard us talk about it
18 before, I apologize, but, you know, back in January of
19 2009, she issued a list of her top seven priorities for
20 the agency. Number three on that list was assuring the
21 safety of chemicals. A lot of folks thought initially
22 that that just meant looking at industrial chemicals and

1 the work we're doing in the Office of Pollution
2 Prevention and Toxics, which is over in headquarters
3 building across the river, with regard to the Toxic
4 Substances Control Act and the efforts we have underway to
5 revitalize that act as well as to get some congressional
6 changes to that act.

7 The administrator very quickly reminded people
8 that her thoughts on chemical safety included not just
9 industrial chemicals but also pesticides and pesticidal
10 products. We need to be paying very close attention to
11 what we're doing over here. But this program is working
12 very well. It's been running very well.

13 We've had a lot of involvement (inaudible)
14 program over the years with the PPDC and others. So,
15 that's helped us do the job that we have to do in this
16 office much more easily than we might otherwise have had
17 to do. It's also helped us follow the administrator's
18 direction much more closely than we might have had to do
19 from just a standing start.

20 But the administrator also has made clear to
21 everybody in the agency, as well as to the public, that
22 in addition to following the priorities that she's

1 articulated, she's played out kind of three criteria for
2 all the work that we do here at EPA. One is that we have
3 to be governed and our decisions have to be reflective of
4 sound science. We have to make sure we've got the
5 science right whenever we make a decision here.

6 We have to make the decisions that we make and
7 take the actions that we take in a transparent fashion.
8 We try to do as much as we can keeping the concept of
9 transparency in mind about other things that many of you
10 have dealt with under PPDC over the course of the last
11 year or so. So, some of you who are new will be learning
12 about some of the things we've been doing in this office
13 to make our work more transparent in terms of more public
14 involvement and putting things on the web and outreach
15 and things like that.

16 The third, and final, we have to follow the
17 rule of law in the decisions we make. That means
18 procedurally, that means substantively, that means making
19 sure that we make a decision that is based on science and
20 done in a transparent fashion. This is also consistent
21 both with respect to the directives that we're charged
22 with following and the mandates under the statutes that

1 we're governed by here, but also within the limits of the
2 statutes that we are governed by.

3 So, we've tried to walk the line and talk the
4 talk on that in the process of following the
5 administrative priorities. The PPDC has played a big
6 role in that.

7 I'm not going to get into a lot of the details
8 about how the committee works and all that. I know the
9 office has taken care of that. The designated federal
10 officer who is responsible for you guys, I'm sure, has
11 educated you all, including the (inaudible) notion of how
12 you get reimbursed for your expenses. I think that's one
13 of the top issues that you need to know about.

14 But from our perspective here, I think it's
15 important for people to understand that this is a public
16 body. This is a public forum. There are records kept of
17 the activities here, transcripts made of the meetings,
18 and things like that. There's opportunity for public
19 comment.

20 So, this is really the place where there is an
21 opportunity for dialogue, as the name of the committee
22 implies. This is also the place where you can question

1 and have a back and forth with the employees of the
2 Office of Pesticide Program, the leadership of this
3 office, and other folks who are around here in the
4 meeting and talking with yourselves, (inaudible) ideas,
5 trying to make sure that we have the best benefit of your
6 advice as we possibly can.

7 So, again, I want to thank you for all your
8 hard work, those of you who have been on the committee
9 for some time now. Those of you who are new, I want to
10 welcome you to the committee and want to encourage you to
11 be active participants in the work of this committee.
12 Don't be shy about speaking up during the meeting.

13 Sometimes it's hard for this many people around
14 the room all to get their say, you know, what's going on.
15 But I can assure you that if you don't take the
16 opportunity, somebody else will and then you will have
17 wished you had said something at some point in the
18 meeting if you don't seize the moment when it is
19 presented to you.

20 With that, I'm going to sit back and listen for
21 a little bit. I have to run back over to the office in a
22 few minutes. Often, I get to stay for part of the

1 morning and listen, but it's just been kind of a nutty
2 week this week. People are getting close to the
3 holidays.

4 Again, I appreciate so much all your efforts in
5 this. Those of you who are new to the committee, welcome
6 aboard. I look forward to getting to know as many as
7 possible, if not today, then in future meetings and
8 future work of this committee. Thank you all.

9 Steve, back to you.

10 DR. BRADBURY: Thanks, Steve. I'd also like to
11 welcome all the members of the committee, both the new
12 members and the membership that's rolled over as we
13 chartered the new committee. I greatly appreciate both
14 the experience and some of the backgrounds some of the
15 folks will be able to (inaudible) that have been on the
16 committee for a while. I'm looking very forward to the
17 input from the new members of the committee to be sure we
18 get a good grasp and depth of conversation on the various
19 issues that we're facing.

20 I think you've all probably gotten e-mails or
21 talked on the phone to Margie Fehrenback who is the
22 native federal official. I also want to thank Margie for

1 all the hard work to get the new committee chartered, get
2 all the membership worked out. It's quite a bit of
3 effort. We would never be able to have pulled off all
4 the years that I think a very good committee helped and
5 with the very hard work of Margie Fehrenback. I want to
6 thank her.

7 Margie was telling me this is the 29th meeting
8 of the PPDC. It first started in 1995. So, it has a
9 long history and a very solid history and foundation of
10 providing very good input and advice to the program
11 office. This committee and the work groups that are
12 associated with the committee really serve as a
13 fundamental component to the transparency and the public
14 participation process that we try to use as best we can
15 in the pesticide program. This body provides us a great
16 foundation to really look at some of the emerging issues
17 as well as some of those nagging issues that we face.

18 So, we view this program and this committee as
19 an important component to helping advance the program,
20 advancing the science, advancing how we integrate the
21 science (inaudible) and establish our policies. So, we
22 greatly appreciate the effort that you'll be putting in

1 over the next several years (inaudible) membership on the
2 committee.

3 What we usually try to do at our committee
4 meetings, which is usually twice a year, is spend a
5 little bit of time on updates on issues that are in the
6 news, so to speak, or updates on activities that you've
7 all been involved in, and instead spend more time on a
8 handful of issues and try to really get into some in-
9 depth discussions. Sometimes you hear reports from some
10 work groups of the committee or other issues that we're
11 bringing forth to you all to get some in-depth
12 discussions.

13 Given the fact that for this meeting roughly half
14 of the membership is new, we felt that this time around
15 we'd probably lean a little bit more heavily towards the
16 updates for everybody to get sort of the basic framework
17 from where we've been on some topics, where some topics
18 are at, and where some issues may be emerging.

19 As we get to the end of our day and a half, we
20 will be spending some time focusing collectively on
21 topics we'll want to address between now and the next
22 meeting and topics we'll want to address in more details

1 at our spring meeting coming up. So, this one will have
2 a little bit more of an overview feel to it, again just
3 to try to manage the fact we've got about half of the
4 folks new on the committee. So, bear with us on that.

5 Let me just spend a few minutes going through
6 the agenda and then we'll get into the meat of the next
7 day and a half. What we want to do after our opening
8 comments is spend a little time going around the table,
9 and around the phones for members that are calling in on
10 the phone, for all of you to introduce yourself, give a
11 little bit of background, who you are, where you're from,
12 the organization that you're representing. If you're an
13 alternate today, if you could also indicate the
14 individual that is the standing member. I felt it would
15 be good to have a little bit of time just to put a share
16 of backgrounds and our experiences and where we are all
17 coming from.

18 After we get through that session, Margie and I
19 will spend a little bit of time just going on over the
20 Federal Advisory Committee Act and the nature of an
21 advisory committee like this, and just kind of go over
22 some of the logistics of the process that the committee

1 has. Then we'll get into some updates of activities that
2 we are undertaking.

3 That first session will be focusing on the
4 National Pollution Discharge Elimination System, NPDES,
5 permits for aquatic use pesticides. This is a very
6 significant rule-making process, a permit-making process
7 that we're undertaking with the colleagues in the Office
8 of Water. We want to give you an update on that.
9 Allison Wiedeman from the Office of Water will give that
10 presentation.

11 Keith Matthews is our new division director for
12 our Biopesticides and Pollution Prevention Division. He
13 will give you an update on an effort that we're
14 undertaking to advance IPM in the school setting. Keith
15 will also give you an update on an upcoming NAFTA
16 biopesticides registration workshop that we'll be having
17 later, coming up in this new calendar year.

18 Then we'll close out that session with Kelly
19 Sherman giving an update on the status of protections for
20 subjects in the human research rule. We're updating our
21 rule on insuring that the ethics and the scientific basis
22 of any of studies of human subjects is the best it can be

1 in terms of ethics and science. Kelly will give you an
2 update of where we are.

3 After lunch, you will hear some reports from
4 some of our work groups. We'll talk during the course of
5 the next day and a half -- there's work that goes on at
6 the committee, of course, but most of the work of the
7 committee actually happens in between our work groups
8 that are tackling significant issues that we're working
9 on. So, the next day and half you'll get some updates
10 from some of those work groups.

11 In that session after lunch, you'll hear from
12 PRIA process improvement group and the comparative safety
13 statement group. Marty Monell, the deputy office
14 director for the program, will help lead that discussion.
15 Then, Bill Jordan will give you an update on our web-
16 distributed labeling efforts.

17 During the course of these discussions, I'll be
18 watching the clock and watching the agenda. We'll try to
19 make sure we get time for clarifying questions and some
20 ideas and concepts you may want to share as we go
21 forward. We'll then spend some time going over where we
22 are in implementation of the Endangered Species Act.

1 Rick Keigwin, who is the director of our Pesticide Re-
2 evaluation Division, and Don Brady, who is the division
3 director of the Environmental Fate and Effects Division,
4 will give you an update on where we are with the
5 Endangered Species Act.

6 Then we'll close out the presentations with
7 some more updates, focusing on spray drift and where we
8 are since our last meeting where we were working through
9 some of the comments we were getting on our proposed
10 labeling for spray drift. We'll get an update on the
11 endocrine disruptor screening program and where we are in
12 the test orders and evaluating the responses to those
13 test orders. Then you'll get an update on where we are
14 in taking a look at nanotechnology, the broad policy as
15 well as (inaudible).

16 At the end of the day, we'll have some time for
17 public comments. Anyone interested in providing public
18 comments, there's a desk outside the room and a place
19 where you can sign up for your public comment.

20 Tomorrow morning we'll spend a fair amount of
21 time reviewing some of the work we're doing, again, with
22 our Office of Water colleagues, in this case looking at

1 how we can try to integrate work we do under FIFRA with
2 activities that go on under the Clean Water Act, as well
3 as activities we're doing under FIFRA and our Food
4 Protection Quality Act work and Safe Drinking Water Act.

5 (Inaudible) our efforts to try to create a
6 single EPA, if you will, in terms of try to take a look
7 at resources and insure that the science and approaches
8 we're undertaking can be coordinated and cohesive. There
9 will be some colleagues from the Office of Water joining
10 us in that discussion.

11 We're going to have some updates on where we
12 are in our new risk assessment policies (inaudible) and
13 agricultural workers. And also, Rick Keigwin will give
14 an update on the fumigant mitigation measures that are in
15 play.

16 Then, finally, we'll wrap up with again a
17 report out from a couple of work groups, one being the
18 work group that Steve just referenced, the 21st century
19 toxicology workgroup. We had a meeting yesterday with
20 very good attendance and quite in-depth discussion about
21 (inaudible) time and how that can start to influence the
22 way we do our risk assessments and ultimately make our

1 regulatory decisions.

2 Then, we'll have updates from another work
3 group that deals with public health issues. Lois Rossi,
4 who is actually at a meeting dealing with bed bugs as we
5 speak, will hopefully be able to call in from San Diego
6 and give you an update on some of the efforts not only
7 with bed bugs but, more broadly (inaudible) efforts.

8 Then we'll wrap up by spending some time going
9 over topics we would like to focus on as the agency as
10 well as getting some feedback from you on issues to focus
11 on as we approach to the next meeting.

12 So, I just again want to thank you all for
13 being willing to invest the time to not only the program
14 but more importantly to the public and the country in
15 terms of how we undertake our pesticide regulatory
16 decision making, getting this kind of dialogue, these
17 kinds of discussions that are really critical to inform
18 decision making.

19 We have a diverse group of folks from different
20 parts of the country, different backgrounds, different
21 organizations we're dealing with. I anticipate that
22 they'll give a diverse set of opinions sometimes. That

1 is (inaudible) because it's that in-depth discussion and
2 exploring the various aspects of the issues that has
3 really helped us make sure we (inaudible) to the issue
4 when we conformed reasonable decisions as we moved
5 forward.

6 So, I really want to thank you all again for
7 the investment of time already made for some of you and
8 the investment of time some of you will be starting to
9 make (inaudible) committee. So, I want to thank you all.

10 What I'd like to do now is move into the next
11 part of the agenda where we'll spend a little bit of time
12 introducing ourselves in terms of where we're coming from
13 and the organizations that we represent. To get that
14 started, if you all don't mind, I'd like to first start
15 off with a few folks in our program who have recently
16 taken on some new positions in our program and have them
17 just spend a couple of quick sentences just giving you a
18 little bit of their background. Then we'll move around
19 the table.

20 Bill Diamond (phonetic) is our new deputy
21 office director for programs (inaudible) little bit of
22 your background. Bob McNally (phonetic) is currently the

1 acting division director to the Field and Foreign Affairs
2 Division. Bob will (inaudible). Then, Keith Matthews
3 was recently selected as the new division director for
4 the Biopesticides and Pollution Prevention Division. So,
5 we're going to spend a little bit of time to let folks
6 introduce themselves and then we'll go around the table
7 and around the phone for all of you to introduce
8 yourselves.

9 Bill.

10 MR. DIAMOND: Good morning. Thanks, Steve. I
11 look forward to the activities that come with the new
12 position. I know some of you from my previous work in
13 the pesticide program (inaudible) background (inaudible)
14 to this position.

15 I was the director of OPP dealing with the
16 External Affairs Division for six years. In that
17 position, I had responsibility for worker safety and
18 certification (inaudible) training, communication, public
19 outreach (inaudible) policies, management of activities
20 such as the inspector general and EAO audit program.

21 Prior to that, I served for several decades in
22 EPA's Office of Water managing both the Safe Drinking

1 Water Act and (inaudible) programs. I started out
2 working in the state of Massachusetts helping them draft
3 the original (inaudible).

4 MR. McNALLY: As Steve said, my name is Bob
5 McNally. I'm acting in Bill's job. He just described
6 basically what that entails. He also left behind his Red
7 Sox pennant and his Celtic jersey. So, you can tell from
8 his accent where he's from.

9 Before doing this job, I was a branch chief in
10 what was known as the Special Review Branch. We had
11 chemicals like atrazine and disulfonate aldicarb, as well
12 as others. Before that, I worked in AWEGA (phonetic) for
13 a short detail to get some experience in compliance and
14 enforcement. So, I do have that background. Then, prior
15 to that, I worked in the other office that Steve Owens
16 referred to, the Office of Pollution Prevention and
17 Toxics. So, I look forward to working with you.

18 MR. MATTHEWS: Hi, good morning, everyone. As
19 Steve said, I'm Keith Matthews. I am the new director of
20 the Biopesticides and Pollution Prevention Division. As
21 of last Monday, I've been with EPA for 14 years. Prior
22 to coming to OPP, I was in the Office of General Counsel.

1 I was in the Office of General Counsel from 1996 to 2009.
2 Prior to that, I was in private practice for about five
3 years.

4 I'm fond of saying that even though I am new to
5 the directorship of BPPD, I am not new to BPPD. I was
6 (inaudible) counsel for most of the time I was in the
7 Office of General Counsel. I'm really excited about this
8 opportunity (inaudible). It's really important work
9 registering biopesticides, reduced risk pesticides, and
10 working on pollution prevention efforts. So, I look
11 forward to working with you in the future.

12 MR. BRADBURY: Thank you, Keith. I'd also like
13 to take this time to thank Mike McDavitt (phonetic) who
14 is the acting division director for the biopesticides
15 group over the last several years (inaudible) year or so.
16 And then, Jay Allenberger (phonetic) who is also filling
17 in for Bill, is running the (inaudible) Affairs Division
18 on (inaudible).

19 Now, why don't we start on my left, start with
20 Cheryl Cleveland, and we'll work around the table. Then
21 we'll touch base with the folks on the phone.

22 MS. CLEVELAND: I'm Cheryl Cleveland. I'm from

1 Dow AgroSciences. I've been there 21 years. I am from
2 the Midwest. I fought two cancelled flights and a re-
3 route to Atlanta and landed in here at 3:30 in the
4 morning. So, I'm happy to be here.

5 In my 21 years within Dow AgroSciences
6 (inaudible), I've been involved in environmental FATE
7 laboratory studies. I currently hold the role in the
8 human health assessment group as a risk assessor. I also
9 plan global regulatory studies for our company for
10 several (inaudible). I also sit on the CropLife America
11 dietary assessment working group.

12 MR. CONLON: I'm Joe Conlon. I'm the technical
13 advisor for the American Mosquito Control Association and
14 have been such since the position (inaudible) in 2000,
15 for 10 years. Prior to that, I was an entomologist in
16 the U.S. Navy for 20 years, which I conducted malaria
17 control operations in 37 different countries, primarily
18 in Central, South America, Africa, and the Middle East.
19 Prior to that, I was, for two years, with Mosquito
20 (inaudible) District Director in Wood County, Ohio.

21 The American Mosquito Control Association,
22 which I represent here, is actually a misnomer because

1 it's international in scope. We have members from 52
2 different countries. We've got 1600 members primarily
3 comprised of public health officials, industry
4 representatives, academicians, and mosquito control
5 professionals.

6 MS. KEGLEY: Hi, I'm Susan Kegley. I'm a
7 principal at Pesticide Research Institute and I'm on a
8 committee representing Pesticide Action Network
9 (inaudible). Pesticide Action Network works both in the
10 U.S. and globally on pesticide issues.

11 MR. McALLISTER: I'm Ray McAllister. I'm
12 senior director of regulatory policies at CropLife
13 America (inaudible) trade association and it's not an
14 insurance company. Our (inaudible) companies are
15 manufacturers, formulators and distributors on crop
16 protection products in the United States. I think I came
17 to every one of those PPDC meetings. As Steve Bradbury
18 mentioned, this is my first time at the table as a member
19 of (inaudible).

20 MS. STARMAN: Good morning, I'm Ellen Starman
21 (phonetic). I am the general counsel at the American
22 Chemistry Council. My panel is very interested and

1 ethically involved in pesticide issues. This is my first
2 PPDC meeting.

3 MR. COX: My name is Darren Cox. I am a fourth
4 generation beekeeper and owner of Cox Honey out of Utah.
5 This is my first PPDC committee. I am the representative
6 for the United States (inaudible) industry. I
7 (inaudible) and chairman of the National (inaudible)
8 Advisory Group.

9 STEVE: I'm Steve (inaudible). I'm the
10 director of Global (inaudible) 20 years (inaudible).

11 MR. KUSEY: Good morning, I'm Dave Kusey
12 (phonetic) (inaudible) talking about 10 years. I'm
13 manager of (inaudible) Registration and Regulatory
14 Affairs Group. I've been in the pesticide registration
15 function for about 22 years now (inaudible) companies and
16 started out with (inaudible).

17 MR. SCHERTZ: I'm Scott Schertz. I'm the owner
18 of Schertz Aerial Service, a central (inaudible). I am
19 representing the National Agricultural Aviation
20 Association today and I'm glad to be back.

21 MS. LUDWIG: Good morning, I'm Gabriele Ludwig,
22 and I'm with the Almond Board of California. Been there

1 now for five years. The Almond Board is a federal
2 marketing order (inaudible). In my job, I'm (inaudible)
3 environmental affairs (inaudible) air quality
4 (inaudible).

5 MR. THRIFT: Jim Thrift, Agricultural Retailers
6 Association (inaudible) raised on a farm in California.
7 I'm (inaudible) agricultural chemicals business for two
8 different companies for four years, eight years with ARA.
9 ARA represents all of the agricultural retailers
10 (inaudible) America's farmers. We have approximately
11 7,000 (inaudible) we represent, agricultural (inaudible)
12 at least 45 percent of all the pesticides (inaudible)
13 American agricultural (inaudible).

14 UNIDENTIFIED FEMALE: (Inaudible), technical
15 director for (inaudible) Systems (inaudible) Industry
16 Alliance. EQIA is an industry (inaudible). I'm sitting
17 as the alternate for (inaudible).

18 DR. WILLETT: I'm Mike Willett. I work for the
19 Northwest Horticulture in Yakima, Washington. We
20 represent about two to three thousand growers, packers,
21 and shippers (inaudible) includes extended interaction
22 over the years to the Office of Pesticide Programs but

1 we've also worked -- spent a lot of our time on export
2 issues, (inaudible) residue issues around the world
3 (inaudible) a lot more time dealing with organic
4 regulations under the USDA (inaudible). Our members
5 produce about 90 percent (inaudible) in the United
6 States. Prior to working for the Horticulture Council,
7 which I was doing for about 12 years, I was (inaudible).
8 It's good to be here.

9 MS. VERDER-CARLOS: I'm Marylou Verder-Carlos
10 from the California Department of Pesticide Regulation
11 (inaudible).

12 MR. NYE: Good morning, Ken Nye from Michigan
13 Farm Bureau (inaudible) organization exists in virtually
14 ever (inaudible) all states (inaudible). We have about
15 47,000 farm family members (inaudible). I work for the
16 (inaudible). I was born and raised on a farm in
17 southwest Michigan and I've worked (inaudible) for about
18 25 years, including about 5 years (inaudible).

19 MS. RUIZ: My name is Virginia Ruiz, attorney
20 with Farmworker Justice based here in Washington, D.C.
21 We're a national advocacy organization for migrant people
22 and farmworkers in the United States (inaudible).

1 MR. BARON: Good morning, I am Jerry Baron with
2 the IR-4 project. IR-4 is a unique state federal
3 partnership that develops data to help EPA do a risk
4 assessment to support registration of pesticides for
5 fruits, vegetables, herbs, (inaudible), and other
6 specialty crops, including ornamentals. In addition to
7 our efforts on specialty crops, IR-4 recently extended
8 our efforts into developing data to support public health
9 pesticides. So, we're quite involved in some of these
10 new initiatives that OPD (inaudible).

11 MR. GUSKE: Good morning, my name is Rodney
12 Guske (inaudible). I work for the (inaudible) in south
13 central Washington State where my day job puts me into
14 pesticides (inaudible) 1.3 million acre of any
15 reservation. I am here, though, representing the
16 (inaudible) Pesticide Program Council (inaudible).

17 MS. SULLIVAN: Hi, my name is Kristie Sullivan.
18 I represent the Physicians Committee for Responsible
19 Medicine. We are a group (inaudible) nationwide. I am
20 not a physician. My background (inaudible) environmental
21 health policy. Our group does a number of things,
22 including nutritious (inaudible).

1 MR. SHEEHAN: Good morning, my name is Peter
2 Sheehan. I'm with St. Charles County Department of
3 Community Health and the Environment. I'm the director
4 of the Division of Environmental Health and Protection.
5 That division is tasked with overseeing (inaudible) child
6 care safety, mosquito control program (inaudible).

7 MS. COX: My name is Caroline Cox. I'm the
8 research director at the Center for Environmental Health
9 which is located in Oakland, California. We work on
10 reducing (inaudible) toxic chemicals in a variety of
11 situations, including exposures to pesticides.

12 MS. BAKER: I'm Cindy Baker. I'm the chief
13 operating officer of the Gowan Group of companies. The
14 Gowan Group is a basic manufacturer but we also have the
15 Dean Companies (phonetic), which are retail operations
16 that walk fields and make recommendations and do custom
17 applications for growers. We have a feed business and a
18 manufacturing plant and we grow (inaudible).

19 MR. HANKS: I'm Doug Hanks, National Potato
20 Council. I've been on that for (inaudible) environmental
21 affairs, board of directors (inaudible).

22 MR. TAMAYO: My name is Dave Tamayo. I'm here

1 representing the California (inaudible) Quality
2 Association. We do represent most of the cities and
3 counties (inaudible) privileged to have the (inaudible)
4 State of California. The primary reason that I am
5 interested in EPA's activities is that we spend lots of
6 money on (inaudible). So, we're trying to work with EPA
7 and state regulators to address that. My employer is
8 Sacramento County. I'm in their stormwater program
9 (inaudible) coordinator there and we actually do a lot of
10 (inaudible).

11 One thing I wanted to note is that I noticed
12 there was a -- the couple years I've been on this
13 committee -- it doesn't seem like anybody (inaudible).
14 I'm looking forward to learning (inaudible).

15 MS. LAW: Good morning. My name is Beth Law.
16 I am assistant general counsel and vice president for
17 International Affairs at the Consumer Specialty Products
18 Association. I'm refer to it as the CSPA because the
19 full name is a mouthful.

20 We represent -- and I'm here because we have --
21 represent the manufacturers formulated to distributors of
22 consumer pesticide products. Complete membership is much

1 broader than that, but that is our interest here on the
2 CPDC.

3 My background is in pesticides and
4 pharmaceutical medical devices, previous employers, and I
5 grew up in South Carolina. So, I do know a little
6 something about pesticides and agricultural products.
7 I'm looking forward to working with all of you.

8 DR. LAME: Hi, my name is Marc Lame. I'm a
9 clinical professor at Indiana University School of Public
10 and Environmental Affairs. I'm new here. I am convinced
11 that I was brought here to keep from giving final exams
12 this week to my graduate students and undergraduate
13 students. I teach environmental management, my primary
14 course, so basically I teach the people who are going to
15 go out and be environmental managers, regulators at the
16 state, local, and federal levels.

17 Prior to becoming a clinical professor, I spent
18 several years at the Arizona Department of Environmental
19 Quality on the regulatory side. And I also spent 10
20 years as an extension cotton entomologist walking the
21 cotton fields of Arizona, which I'd like to be at right
22 now.

1 Currently, as well as teaching, I serve as the
2 national coordinator for the CDC's insect and rodent
3 course that they provide to county environmental health
4 specialists throughout the United States, such that they
5 could do risk reduction with regard to pests and
6 pesticides.

7 Primarily, and for the last 15 to 17 years,
8 I've been involved mostly with school integrated pest
9 management, going around the country implementing
10 programs, again doing risk reduction with regard to pests
11 and pesticides.

12 MR. SANCHEZ: Good morning, my name is Valentin
13 Sanchez. I work with the Oregon Law Center which
14 provides for legal services to low income Oregonians.
15 Within the Oregon Law Center, we have the farmworker
16 program in which I work. I work in that farmworker
17 program providing information and outreach to Spanish-
18 speaking farmworkers and also indigenous language
19 speakers, farmworkers.

20 Prior to working with the Oregon Law Center, I
21 picked grapes and oranges down in San Joaquin Valley and
22 also picking shrubbery in the (inaudible) Valley in

1 Oregon.

2 MR. CASHTOCK: I'm Mike Cashtock (phonetic)
3 from the Food and Drug Administration, Center for Food
4 Safety and Applied Nutrition, the Office of Food Safety.
5 I'm representing our office director, Dr. Nega Beru, who
6 cannot be here today or tomorrow.

7 FDA's function with respect to pesticides is
8 the enforcement of pesticide tolerances in (inaudible).
9 I'm involved in FDA's enforcement function and in the
10 policy development that supports that enforcement
11 function.

12 MS. KUNICKIS: My name is Sheryl Kunickis. I'm
13 the director of the Office of Pest Management Policy at
14 USDA. I've been with the federal government for 23
15 years, 22 of that was within ARCETA (phonetic), the
16 Natural Resources Conservation Service. In May, I became
17 the director of OPMP. My office, I report to the Office
18 of the Secretary. My work (inaudible). My office is the
19 phase for USDA and EPA. So, I work close with Steve and
20 his staff. Our role is to protect (inaudible).

21 MR. BRADBURY: Thanks to everybody in the room.
22 What I'd like to do now is touch out to the folks that

1 are on the phone that are members of the PPDC. I think
2 what I'll do to try to hopefully make it organized is
3 I'll go through the list and hopefully the folks are on
4 the phone.

5 So, Tom Dulaney, if you're on, if you could
6 take a few minutes.

7 MR. DELANEY: This is Tom Delaney with
8 Professional Land Care Network. I'm the director of
9 government affairs. I've been with the association for
10 20 years. Prior to that, I worked with the Georgia
11 Department of Agriculture in the Entomology and
12 Pesticides Division.

13 Our association is a merger for the last five
14 years of the Professional Lawn Care Association and the
15 Associated Landscape Contractors. So, we have about
16 2,000 members. Some do chemical lawn care and on the
17 landscape side they do design build, hard scapes,
18 installation, and maintenance, which involves also tree
19 care and irrigation.

20 Our main issues are environmental issues and
21 also employment issues, immigration issues. The industry
22 is about 1.47 billion of the green industry vertically

1 integrated. In the pesticide area, we're the biggest
2 licensed group in the certification and training of the
3 ornamental and turf group. That's a little bit about my
4 group and myself.

5 MR. BRADBURY: Thanks, Tom.

6 Matt Keifer, are you on the line?

7 MR. KEIFER: Yes, I am. My name is Matt
8 Keifer. Can you hear me?

9 MR. BRADBURY: Yes, go ahead.

10 MR. KEIFER: My name is Matt Keifer. I'm an
11 internist and occupational medicine physician. I'm
12 presently a senior scientist at National Farm Medicine
13 Center in Marshfield Wisconsin, thus my absence at that
14 meeting.

15 My hat is off to the person from the Midwest
16 who got there. It's quite an accomplishment.

17 I'm also an affiliate professor of public
18 health at the University of Washington where, prior to
19 the present position, which I took in September, I had
20 been a professor there for about 20 years. Most of my
21 research has focused on agricultural health and safety in
22 general, and I was the co-director of the Pacific

1 Northwest Agricultural Safety and Health Center, but on
2 pesticide health effects specifically. I'm here
3 representing public health. Thank you.

4 MR. BRADBURY: Thanks, Matt.

5 Robyn Gilden, are you on the phone?

6 (No verbal response.)

7 MR. BRADBURY: We'll see if Robyn maybe catches
8 up later in the meeting. Robyn is an assistant professor
9 at the University of Maryland School of Nursing.

10 Wayne Buhler, are you on the line?

11 (No verbal response.)

12 MR. BRADBURY: We'll catch up with Wayne later
13 on. You can see on the sheet that Wayne is with North
14 Carolina State University.

15 Janvier Gasana?

16 DR. GASANA: Yes, I'm on line.

17 MR. BRADBURY: Thanks.

18 DR. GASANA: Yes. I'm Janvier Gasana. I'm a
19 medical doctor being trained in Africa. I have a Ph.D.
20 in environmental health from the University of Chicago,
21 School of Public Health and Department of Environmental
22 (inaudible) Sciences.

1 I've been at Florida International University,
2 Department of Public Health and Social Work, for the last
3 15 years where I teach environmental and occupational
4 courses. I'm doing research on environmental health
5 hazards that affect children, including lead poisoning,
6 (inaudible) of asthma, pesticides in the urban and rural
7 areas in south Florida.

8 I'm currently working on my board certification
9 in environmental and occupational medicine with the
10 ultimate goal to establish an environmental and
11 occupational clinic in south Florida to just look at the
12 impact of pesticides and some other environmental hazards
13 in tropical south Florida climate. Thank you.

14 MR. BRADBURY: Thank you.

15 Louis Jackai, are you on the line?

16 MR. JACKAI: Yes, Louis Jackai. I'm calling in
17 from the annual meeting of the Entomological Society of
18 America out here in San Diego. So, I'm still struggling
19 to get up and have my wake up cup of coffee.

20 By training, I'm an entomologist. I trained at
21 the University of Illinois. I am presently chair of one
22 of the departments at North Carolina A&T State University

1 in Greensboro. In addition to being an administrator, I
2 teach courses in IPM on entomology, the first ever in the
3 university. So, it's quite a task getting people who
4 have IPM issues there. I also conduct research in food
5 safety issues, food safety from pesticide exposure, as
6 well as we've got some projects on residential IPM.

7 Prior to coming to North Carolina, I was in
8 Tuskegee for about eight years where I did similar work
9 in IPM, targeting mainly the minority population to --
10 well, users generally without the knowledge that is
11 required to use pesticides appropriately. So, we try to
12 educate them and make sure they are in compliance and do
13 what is right.

14 I think in a nutshell, that's what I do. This
15 is my first appearance on this committee and I'm looking
16 forward to participating and making a contribution.

17 Just a point of knowledge. Before I came to
18 Tuskegee -- and I put in a good 20 years with
19 international agriculture and gained quite a bit of
20 experience there working with farmers who use pesticides
21 with little or no knowledge of how they should be used --
22 I saw tremendous abuse. That really got me interested in

1 getting focused on pesticide safety. Thank you.

2 MR. BRADBURY: Thank you.

3 Geoff Calvert, are you on the line, from NIOSH,
4 CDC?

5 MR. CASNER: Hello?

6 MR. BRADBURY: Yes, go ahead.

7 MR. CASNER: I am not Geoff Calvert; however, I
8 am his training fellow. My name is Eddie Casner
9 (phonetic) and he's a representative from the Center of
10 Pesticides Program at NIOSH, National Institution for
11 Occupational Safety and Health. I'll simply be listening
12 and taking some notes for him because he's in Korea
13 currently.

14 MR. BRADBURY: Thank you for joining on the
15 meeting.

16 Is there anybody else on the phone who is a
17 member of the PPDC or an alternate for a member that I
18 inadvertently neglected?

19 DR. FERENC: Well, I show up on the list. I'm
20 sorry, I might not show up on yours. This is Sue Ferenc
21 with Chemical Producers and Distributors Association.

22 MR. BRADBURY: Okay, go ahead.

1 DR. FERENC: I'm the president of the Chemical
2 Producers and Distributors Association. We represent
3 manufacturers of generic pesticide products and also
4 suppliers of adjuvants and pesticide inert ingredients
5 and also formulators and distributors of pesticide
6 products. We're based in D.C.

7 I've been on the PPDC for a few years now.
8 I've been in CPDA for almost five years. Very pleased to
9 be serving on the committee again. I'm sorry I couldn't
10 be there in person this morning, but I'm hoping to be
11 able to get there for the afternoon session.

12 MR. BRADBURY: Thank you, Susan. That's why I
13 got a little mixed up on my list, but I'm glad you could
14 join in this morning. Thank you.

15 So, what I'd like to do now -- and maybe Margie
16 could come up and make sure I don't violate any federal
17 acts -- spend a little time just reviewing sort of what
18 the committee is all about. Our process has been pretty
19 informal and just talk a little bit. Then we can field
20 any questions you've got on just sort of what the
21 committee is about and some of the processes. We'll
22 spend maybe a half an hour at the most and we'll take a

1 break and then we'll get into the substance of the
2 meeting.

3 So, just as a little bit of background, this
4 committee flows from the Federal Advisory Committee Act
5 that was passed in 1972. The concept behind the act is
6 to ensure that there's a transparent and structured
7 process by which the agency, or the federal government,
8 in this case EPA and the pesticide programs, can get
9 advice and recommendations from the public.

10 Part of the rationale behind the Act was to
11 ensure that everybody has a process or a venue by which
12 to get information to the federal government. Clearly,
13 we put out specific decisions, proposed decisions, for
14 public comment, and we have a lot of processes in place
15 to get input on very specific issues.

16 But the act helps federal agencies have a
17 broader venue by which they can talk to the stakeholders
18 and get new ideas, get recommendations that ensure
19 (inaudible) public common periods during our meetings and
20 posting everything on the web sites and making sure all
21 the information is publicly available. We can get a
22 sense of the debate and get a sense of the options, get a

1 sense of the different nuances and sometimes not so new
2 nuances of the issues that we're facing.

3 So, some of the concepts behind the Federal
4 Advisory Committee are that we have open meetings. So,
5 whenever we have a meeting, like a face-to-face meeting,
6 it's obviously open to the public. It's not only for
7 people that want to come but to have phone lines set up
8 and the web. Make sure people can keep track of what's
9 going on during the course of the meeting.

10 We also have public comment periods during our
11 meetings so that people can have a specific point in time
12 to share their ideas with all of you, as well as the
13 representatives of the Federal Government on specific
14 issues that we may be facing.

15 Margie, who is our designated federal official,
16 is overseeing this whole process to make sure that all
17 the regulations are followed properly. Certainly, the
18 amount of effort it took to seek the new committee
19 reflects some of the greatest aspects of not only the
20 acts within EPA's policies in terms of trying to ensure
21 we have a diverse group of individuals providing us
22 input, but that they represent a broad range of interests

1 that are related to pesticide regulations so that we can,
2 or best as possible, get a diverse set of (inaudible).

3 To the extent we can see whether it's common
4 ground, that's helpful. But if we don't have common
5 ground, that's also helpful because it gives us a better
6 insight to the challenges that we may be facing from a
7 broad policy perspective or a more focused area.

8 So, all the information that we put out for all
9 of you is also available to the public. So, we make sure
10 that while you may be more directly engaged in these
11 conversations, it's also in the whole public domain so
12 that the public has the ability to give us some input as
13 well.

14 During the PPDC meetings, when it's not public
15 sessions, the only folks that will be speaking will be
16 you, the members of the PPDC. It'll be here and I'll
17 make sure I keep track of folks who are on the phone.
18 We'll pause conversations here to make sure we've got
19 time for the folks on the phone to get their ideas
20 across.

21 But during these parts of the meeting, it will
22 be you all speaking. Sometimes you'll be giving

1 presentations to the full committee based on what you may
2 be doing between meetings. Then, during public comment
3 period is the time when members of the public can give us
4 some comments.

5 One of the aspects of the efforts that we
6 undertake in this committee is work of work groups. So,
7 during the course of the 1995 until 2010, over the course
8 of those years, there have been work groups that come and
9 go based on topics that we may be dealing with.

10 Our goal is to take a look at certain issues
11 that really seem to be issues of import and that really
12 need to be really dug into in some detail, and then
13 create a work group with membership from the standing
14 committee, as well as members from the public can join
15 these work groups as well. We try to maintain that same
16 concept of values of diversity and dew points on a given
17 subject.

18 Those work groups tend to spend a lot of time
19 working in between meetings, (inaudible) issues,
20 developing recommendations, other kinds of tasks they may
21 be undertaking. All the meetings of the work groups are
22 also open to the public, so those are announced in the

1 Federal Register, on our web site, so that the public
2 knows when those meetings are being held. They can
3 either attend in person or they can call in. We always
4 make sure they have teleconferences set up for the work
5 group meetings as well.

6 So, work groups are an important part of the
7 effort, but they're still under the umbrella of the
8 Federal Advisory Act so that we ensure that they're
9 balanced, we ensure they're open, and we ensure that the
10 output from those work groups, or the ideas, the concepts
11 that come forth from the work groups are brought to the
12 full committee.

13 An important aspect of the work groups is if
14 they prepare proposals, or prepare ideas, or give us
15 options or issues that we need to explore more deeply.
16 But any recommendations that come out of that effort have
17 to come out of the full committee. So, the work groups
18 don't provide recommendations to EPA. Only the standing
19 full committee provides recommendations to the committee.
20 Or a diversity of opinion may be on a given topic.

21 So, I guess the bottom line is that it's a
22 committee that's designed with certain regulations and

1 processes in place to ensure that there's an equitable,
2 open, transparent way for the government to get advice,
3 get recommendations from a diverse group of stakeholders
4 to ensure the processes we implement allows the public to
5 be fully engaged in keeping track of what we're talking
6 about, (inaudible) information that we may be discussing,
7 as well as during formal comment periods during our
8 meetings to provide their thoughts, not only to the
9 agency but to all of you as well in terms of thinking
10 about some of the topics we need to be wrestling with
11 over the course of several years.

12 As far as logistics, how to really try to run
13 the meeting -- and I'll say try because sometimes it's a
14 little more challenging than others, depending upon the
15 topic -- either due to a report out by a group that opens
16 time up for comments or if a work group is laying out
17 some very specific recommendations or thoughts for us to
18 engage in, you can use your name tag and just put them up
19 if you'd like to talk about a topic or raise an issue or
20 something with the group.

21 I will do my best to try to recognize you in
22 the order that I saw the tags go up. I put an asterisk

1 by that because after doing this a couple of times,
2 sometimes the topics are very interesting to everybody
3 and all the tags will come up almost instantaneously, in
4 which case I hope you'll bear with me as I try to do the
5 best I can to keep track of how quickly they came up.
6 I'll sometimes mess up and kind of get out of order, but
7 I'll do my best to try to recognize you in the order that
8 your tag came up.

9 With folks on the phone, I have to kind of play
10 it by ear. But I may actually start some sessions off
11 and just ask if anybody on the phone wants to speak first
12 and give them an opportunity to go first, or I may pause
13 halfway through the discussion going here at Potomac
14 Yards and ask if folks on the phone could like to
15 contribute to the conversation.

16 I'll do the best I can to try to manage the
17 folks on the phone as well as the folks here. Again, by
18 looking at the clock and all of you working with me,
19 we'll try to stay on schedule as best we can. But at the
20 same time, I'll do my best not to cut off conversations.

21 As I said, this session is going to be more of
22 an information sharing session, which we typically do,

1 but we should have enough time (inaudible).

2 Let me just turn it over to Margie and see if
3 there's anything I've forgotten.

4 MS. FEHRENBACH: Actually, you covered
5 everything. I did want to ask folks on the phone, you
6 might want to mute your lines because we think we're
7 getting some phone sounds that maybe somebody is getting
8 a call and it's coming through here.

9 Anyway, you covered it all.

10 MR. BRADBURY: So, are there any questions for
11 Margie or I in terms of --

12 JERRY: I'm just wondering with the work group
13 membership, are PPDC members ad hoc on any committee or
14 do we have to be put on a work group? If we have to be
15 put on a work group, what's the process there?

16 MR. BRADBURY: Good question. What we'd like
17 to do is have PPDC members, permanent members, standing
18 members, on the work groups. In fact, we have to have at
19 least one PPDC member on a work group in order to be
20 consistent with the overarching regulations. Doesn't
21 mean there can only be one.

22 So, as we go through the next day and a half

1 and you'll hear from all the existing work groups during
2 the course of the day and a half, why don't you just keep
3 that in mind. If some of the new folks on the committee
4 would be interested in being on some of those committees,
5 if you could let Margie know. Send an e-mail or just let
6 her know during the course of the discussion. What we'd
7 like to do is just again take a look at who is interested
8 in various work groups just to make sure we've got some
9 balance.

10 But in our general information, we'll try to
11 meet the interest of the members of the PPDC. But we
12 would like to just make sure we've got a reasonable
13 balance of folks. Just let Margie know and we can go
14 from there and do our best to accommodate people's
15 interests.

16 DAVE: I was actually intrigued by something
17 (inaudible) about the (inaudible) federal officer.
18 Apparently, Margie is authorized to adjourn any meeting
19 (inaudible).

20 MS. FEHRENBACH: I'm very powerful.

21 DAVE: I'm wondering if you've ever actually
22 done that or been tempted to do that?

1 MS. FEHRENBACH: I've been tempted a lot but
2 I've never had to do it.

3 MR. BRADBURY: With some seriousness to Dave's
4 question, there will be times that I or Margie, during
5 the course of a conversation or issue that we're working
6 on or to the extent that we're seeing some common ground
7 and we're getting there, that's cool and we'll see if we
8 can try to continue that discussion and understand where
9 the margins are. There will be some topics where,
10 frankly, it's really hard to figure out where the common
11 ground is, if that's the right word, or there's just like
12 a range of opinions.

13 At a certain point in time, the government may
14 go, well, that was a good discussion. We spent a couple
15 of cycles on it. We understand where we agree as a
16 collective body and where we may not agree. That's still
17 useful information for us. But there may be times where
18 we'll say, I think we've sort of worked this issue as far
19 as we can go.

20 Generally, we try to see if we can't sort of
21 see where this common ground is, get good definition
22 (inaudible). We do try to end our efforts. So, good

1 government, you have a project, you work it and finish
2 it. So, our goal is to have work groups but hopefully
3 those work groups can achieve their goals and they can be
4 retired. And, as new issues come up, we create new work
5 groups. So, we do try to work towards resolution and
6 (inaudible).

7 UNIDENTIFIED MALE: I just wanted to
8 congratulate Margie on (inaudible) during this process of
9 committee (inaudible).

10 MR. BRADBURY: Any PPDC members on the phone
11 that have any questions? Comments?

12 (No verbal response.)

13 MR. BRADBURY: All right, straight forward.
14 What I'd like to do is, before we break, Jennifer Sass,
15 NRDC, got here. Jennifer, we spent some time earlier
16 just sort of introducing ourselves and our organizations.

17 DR. SASS: (Inaudible) with the National
18 Resources Defense Council (inaudible). I've been on the
19 PPDC (inaudible).

20 MR. BRADBURY: So, we're doing good with the
21 agenda. Why don't we take our break now because our
22 colleague from the Office of Water is on her way over.

1 We can give her a little time. She can get her and we
2 can start off with the NPDES discussion. Why don't we
3 take a break. It's 10:20 on this clock, so how about a
4 20-minute break. So, we'll start at 20 to the hour.

5 (Whereupon, a brief recess was taken.)

6 MR. BRADBURY: What I'd like to do now is start
7 session two. What we're going to do is do some updates.
8 What we'll try to do is all our presenters will kind of
9 watch the clock. Then we'll try to make sure we can at
10 least leave in some clarifying questions. I think what
11 we'll do is like after the NPDES summary by Allison
12 Wiedeman from the Office of Waters, who is on my left
13 next to Bill, we'll pause after Allison's presentation
14 and we'll try to at least handle some clarifying
15 questions or follow-up questions.

16 Then we'll turn it over to Keith who will go
17 over IPM in schools and where we are with the NAFTA
18 registration workshop. After Keith is done, we can field
19 some questions.

20 Then, Kelly Sherman will talk about the human
21 research rule.

22 Allison, we'll turn it over to you.

1 MS. WIEDEMAN: Good morning, everyone. As
2 Steve described, I've been asked to come over and talk to
3 you about the pesticide general permit efforts. Speaking
4 with Phil Diamond a moment ago, he said that many of you
5 are new to the committee so it might be helpful if I gave
6 a two- or three-minute (inaudible) what this effort is.

7 It's a permit under the Office of Water's
8 National Pollutant Discharge Elimination System program.
9 The 6th Circuit Court, about two years ago, came to a
10 decision based upon litigation within industry
11 environmental groups that a regulation that EPA had
12 issued in 2006 (inaudible) NPDES permits were not
13 necessary for application of pesticides to waters of the
14 U.S. The court vacator overturned that rule.

15 The net assess of that was that EPA now had to
16 find a way to be able to permit situations where
17 pesticides are applied to waters either intentionally --
18 this is for (inaudible) -- or inadvertently of your
19 spraying of mosquitocides over waters and in coming in
20 contact with waters. So, we can't (inaudible). It would
21 come in contact with water bodies (inaudible).

22 So, we spent the past two years and in an

1 incredibly fantastic collaborative effort with OCSPP. We
2 have developed jointly, together with our two offices, a
3 general permit that will be applicable to the (inaudible)
4 NPDES authority over.

5 Where we are right now in the process is that
6 we are just about ready to go to Office of Management and
7 Budget interagency review. When it goes to OMB, which is
8 a standard part of any regulatory permitting process in
9 the agency, then the other federal agencies will have an
10 opportunity to review those permits, which lays out the
11 requirement for what needs to happen for either
12 applicators or those that hire the applicators, what
13 measures they need to take in order to reduce any
14 applications of pesticides to waters as much as possible,
15 though understanding that most times this is
16 intentionally added to water and that is the purpose of
17 it.

18 Our intention of the permit is not to change
19 those kinds of operations or limit the amount of
20 (inaudible) or the amount of pesticides applied to water;
21 this is a permit that will allow the discharge of
22 pesticides to water for their intended purpose. So, we

1 started the effort two years ago.

2 We proposed it in June just this year and got
3 comment on it, 750 different comment letters. We have
4 looked at those comments. We have revised the permit
5 requirements as a result. The requirements are not all
6 that significantly different from those that were
7 proposed. We have gone through the agency decision-
8 making process.

9 We have come down to the final decision on what
10 the permits will look like. Any day now it should go to
11 OMB. When it goes to OMB, that's a matter of public
12 record. It goes on up to management and budget's public
13 web site (inaudible). It's something that's in the
14 process of being reviewed. We expect that review process
15 to take about five weeks. It's a four-week review
16 process. But taking into account the fact that it's over
17 the holidays, five weeks.

18 Once they have completed their review, we will
19 spend a couple of weeks finalizing it and then our plans
20 are to get it finalized and into the Federal Register for
21 publication towards the end of January.

22 With that, I'll be glad to take questions.

1 UNIDENTIFIED MALE: I was wondering if you
2 could tell me, what does OMB look at (inaudible)?

3 MS. WIEDEMAN: Well, that might vary with the
4 administration. But basically, they want to know what
5 the requirements are. They want to know the impact that
6 it has on the industry. They want to know how much it
7 costs (inaudible). And they want to look at the fairness
8 of the request. So, all of those things they will be
9 looking at (inaudible).

10 UNIDENTIFIED MALE: You mentioned that the
11 intent you don't want to limit, but you want to make sure
12 that you are basically permitting the use of pesticides
13 for their intended purposes. Then, regardless of that --
14 we all know that the label, of course, dictates how the
15 pesticide is supposed to be used.

16 What I didn't hear in there and I wonder if
17 it's part of the permitting process, which NPDES does
18 require other things, is the idea of the use of best
19 management practice.

20 MS. WIEDEMAN: I think I should thank you. In
21 regards to the FIFRA label being under a separate law,
22 FIFRA, compliance with the label is not something

1 required with the NPDES permit. Rather, compliance with
2 the label is assumed. Then, the requirements in this
3 permit are those that are required according to the Clean
4 Water Act.

5 The Clean Water Act requires that you have
6 certain technology-based effluent limitations for any
7 discharge and also water quality-based effluent
8 limitations for any discharge. It's not, by any stretch
9 of the imagination, a traditional type of discharge to be
10 regulated and it's not something that goes to your waste
11 water treatment plants and then into the pipes.

12 So, much of the months spent on developing new
13 requirements of the permit were just how to address that
14 kind of a discharge. Some would say it's not really a
15 discharge; it's the application of a pesticide to water.
16 So, this permit requires IPM-like practices (inaudible)
17 goes to the applicator. That is for the hired and also
18 by those that are hiring the applicator or what we refer
19 to as the decision maker (inaudible) mosquito districts
20 that they hire out to applicators to apply mosquitocides.

21 Then, both entities, those that hire the
22 applicator and the applicator themselves, have certain

1 requirements that are delineations of permits. We've
2 tried to be as clear as possible about what requirements
3 an applicator would be required to do versus what those
4 that are hiring an applicator would be required to do.

5 Again, part of that is IBM practices we do,
6 knowing that this is something that is already employed
7 in the industry. A vast majority of the industry already
8 conducts IPM, already have IPM plans. So, we're in
9 recognition of that. This is something that's required
10 in the permit. But if a company is already doing IPM,
11 they have an IPM plan, we're saying, well, that will
12 mostly likely suffice as requirements of meeting the
13 permit. We're not asking for any duplicative action.

14 So, there are requirements to look at
15 alternative of pesticides, to look at the (inaudible) are
16 at a level that require pesticides and those kind of, I
17 think, standard practices.

18 MR. BRADBURY: Scott, and then Joe Conlon, and
19 then I'll check to see if anybody on the phone wants to
20 direct you.

21 MR. SCHERTZ: Allison, can you describe for us
22 what interaction is going on between your agency and the

1 states that are not following (inaudible).

2 MS. WIEDEMAN: Okay, thank you, Scott, for
3 mentioning that. We are particularly pleased with how it
4 has played out. Knowing that the states are required to
5 develop their own permits under their own NPDES program,
6 we have been working very closely with the states, in
7 fact, showing our cards to the state regulators even
8 before we propose the permit and in more of a transparent
9 and collaborative way than we have in the past, because
10 we know that the states are on the hook to develop a
11 permit and need to see what we are doing as soon as
12 possible.

13 So, we have formed a state work group that is
14 composed of both the environmental quality departments
15 for each state as well as the state's Department of
16 Agriculture for each state. With those two entities from
17 each state, we have met with them, both on a twice a
18 month basis to go over issues and details of our permit
19 and also details of the state programs, because 26 states
20 have their own permitting program for pesticide
21 discharges to water. We could learn as much from them as
22 they could learn from us. So, we exchange this type of

1 information throughout the entire process.

2 We've had several meetings with them face to
3 face where we roll up our sleeves and (inaudible)
4 individually over the course of two days. We've done
5 that three times and that has worked out very, very well.
6 So, the states are very much in the know about what we
7 plan to finalize. They have actually been able to move
8 forward. Many of them have already (inaudible) their
9 permits. Several are in the final stages of finalizing
10 their statements.

11 MR. BRADBURY: If I could interject, Allison,
12 if you could just go over the time line to get some
13 insight into why the states need to be moving right
14 along.

15 MS. WIEDEMAN: When the court vacated EPA's
16 rule that said that permits were not necessary for
17 pesticide discharges (inaudible) are required at the time
18 the court made the decision. So, EPA asked the court for
19 a two-year stay of that decision so that we could have
20 two years to develop a permit. That two-year delay of
21 the effective date of the court's decision is April 9th,
22 2011.

1 So, right now permits are not necessary for the
2 discharge of pesticides in the waters, but they will be
3 necessary on April 9th, 2011. We are trying to get our
4 permit out final in January so that it will be in advance
5 of that date. So, not only will the states know the
6 final decision making of the agency of what we believe
7 the requirements should be, but the states can take that
8 and use it as a template to develop their permits.

9 But also we wanted to finalize our permit four
10 months early so that we could provide outreach to the
11 regulated community and to help the industry understand
12 what it is they're going to need to comply so they'll be
13 in a position of compliance by April 9th.

14 I already put out some feelers to Rise
15 (phonetic) and CropLife and some of the other folks that
16 have been watching this very intently and sending in
17 comments to start developing an outreach program for
18 2011. So, if you all have certain ideas on where it
19 would be most effective for EPA to come and talk to the
20 industry about what the requirements are, please let me
21 know. We're putting that communication outreach plan
22 together right now.

1 MR. BRADBURY: Joe.

2 MR. CONLON: First of all, good job with a
3 sticky wicket.

4 MS. WIEDEMAN: Thank you.

5 MR. CONLON: A couple questions, and they're
6 just an adjunct to Scott's. We got the call for cost
7 estimates and the comments are supposed to be forwarded,
8 I believe, by January 3rd, the revised cost estimates on
9 how much this is going to cost districts and things like
10 that. How is that going to affect the OMB's input into
11 this whole process?

12 Secondly, how is ESA input going to affect
13 publication, seeing that their biop is due, I believe,
14 February 25th of this year?

15 MS. WIEDEMAN: With regard to the compliance
16 cost with this permit, we will have that in a completed
17 report and OMB will be reviewing that cost document and
18 economic analysis document, along with the review of the
19 permit itself. Then, also (inaudible) administration is
20 also interested in the economic impact of small
21 businesses.

22 So, we have put together a report on the impact

1 of small businesses and the overall cost of compliance
2 for this permit. They will have access to that
3 information, as does the public (inaudible).

4 MR. CONLON: But does the January 3rd timeline
5 for those cost estimates revised, the ones that we're
6 sending in for comment, allow you enough time to actually
7 revise them upwards, downwards, sideways, or whatever,
8 prior to submitting to OMB?

9 MS. WIEDEMAN: Whatever information that we've
10 asked for, we'll be using.

11 MR. CONLON: Very well.

12 MS. WIEDEMAN: In terms of the endangered
13 species Act and the analysis that we're doing, currently
14 we are, and we have been, involved in complication lists
15 of disturbances on this permit. We are still in the
16 process of conducting that analysis. We can't comment on
17 the outcome of that.

18 MR. BRADBURY: Thanks, Joe. We'll just take a
19 pause here and see if there's any PPDC members on the
20 phone that have a question or a comment.

21 (No verbal response.)

22 MR. BRADBURY: Thanks. I'll turn it over to

1 Ray.

2 RAY: Actually, I have some questions on the
3 R&D endangered species consultation. It's hard to figure
4 out how we're going to have adequate opportunity to the
5 endangered species consultation -- changes that that
6 consultation might require in the permit program because
7 your permit program is going to be published ahead of the
8 availability of the results of the consultation. I can't
9 visualize a circumstance where the consultation is not
10 going to affect the shape and appearance of the permit
11 program. These steps are out of pace.

12 Also, how are you going to define who is an
13 applicant for the purposes of the consultation and make
14 sure that the applicants have their opportunity for
15 input, their rights under the Endangered Species
16 (inaudible)?

17 MS. WIEDEMAN: We are working on that right
18 now. In the proposed permit that we proposed on June
19 4th, we included in the accompanying fact sheet a list of
20 possible mitigating measures that could be required. We
21 put that out for comment. So, the public does have a
22 menu of different actions that could be considered, but

1 that's not to say it is going to be required. We still
2 have not gotten the (inaudible). We still have not
3 gotten the final results. So, unfortunately, we can't
4 talk about the details at this point.

5 RAY: You don't have the details. This
6 (inaudible) materially affect the outcome of the program
7 (inaudible) published ahead of those details. I don't
8 see how you're going to make this work. You've got years
9 of work left to do in just a few months. At what stage
10 is the agency considering asking for additional time?

11 MS. WIEDEMAN: At this point, we are not
12 considering asking for additional time. We feel it's
13 very, very important to get out the permit in January
14 because we want the states to be able to have it in time
15 for them to develop their programs. The ESA consultation
16 process has never been one (inaudible) for EPA and this
17 is no different. We are working (inaudible).

18 RAY: I can't imagine a couple of dozen or
19 three or four dozen states being able to achieve their
20 own programs within three months if the information is
21 out to the applicators in time for implementation and
22 compliance by (inaudible). I just don't think it can

1 happen.

2 MS. WIEDEMAN: If you're speaking specifically
3 about the complications, we are (inaudible) our permit
4 because this is a federal action. When the states
5 (inaudible) their own permits for their state (inaudible)
6 programs, they do not have the control (inaudible).

7 MR. BRADBURY: Ray, you raised, obviously, some
8 of the challenging issues that we're working through.
9 Allison or I can't tell you exactly how we're going to
10 work this out, but, clearly, the process, the timing, the
11 interface of these different tasks we've got to undertake
12 are clearly something that the government is working on
13 very hard. And we're just not in a position yet to share
14 because we haven't quite figured out how we're going to
15 blend these different needs in. Clearly, the concerns
16 you raise are concerns that we're working through.

17 UNIDENTIFIED MALE: I'm fairly familiar with
18 what we're doing this year on this issue. I think we've
19 made good progress (inaudible) do something. But I'm
20 also concerned that there are other states that aren't so
21 far (inaudible) as perhaps we are. April 9th is not that
22 far away, particularly (inaudible).

1 January, that means a couple months for all
2 states to get (inaudible). Are you confident that we're
3 going to get there? And do you realize that the
4 educational effort (inaudible), at least in terms of
5 (inaudible) comply once we get to a certain date, people
6 start (inaudible). So, I think we have some real issues
7 there. I realize that (inaudible).

8 MS. WIEDEMAN: I think that from what I've
9 heard and from what I've seen in the comments from
10 industry and from the states that we've been working very
11 closely with, this is a good permit and that it is one
12 that is a workable permit for the industry.

13 While most would have preferred that perhaps
14 this never happened, it's an excellent product, given the
15 complexity of the issues in the industry and the short
16 time frame we had to develop it. I'm pretty confident
17 that this is a permit folks are going to be able to work
18 with, being also mindful of the fact that it is requiring
19 what the majority of the industry is already practicing.

20 In terms of outreach, I agree with you entirely
21 that we need to get out as quickly as possible when the
22 permit is completed and provide outreach. I am open to

1 folks talking to me about the most effective way for
2 doing that.

3 In terms of are the states going to be able to
4 get this done, we are tracking every state. There are a
5 handful that might be considered behind the curve, but
6 most of them are moving forward, taking this very
7 seriously. We have the resources at EPA to review those
8 permits and work with them as quickly as possible. So,
9 we're doing everything we can to make sure this thing
10 happens. The states have had what they need, for the
11 most part, to be able to meet that schedule.

12 UNIDENTIFIED FEMALE: I'll just make a couple
13 of comments. One is that I guess I'm somewhat in
14 agreement with the (inaudible) that you got, but I'm not
15 sure you can make the (inaudible) April 9th deadline. I
16 know that you can't. (Inaudible). I think you guys have
17 scrambled a lot to get information out and work on this.
18 But the reality is that you don't have complete control
19 over what goes on here. There's an element of state and
20 there's an element of the services that are out of your
21 control.

22 So, I know you can't do anything about that

1 today, but I think that people ought to be thinking about
2 what are we going to do come April 9th if these questions
3 aren't answered and people don't have understanding of
4 how this is going to be implemented. The best way to
5 have this implemented is to have all the questions
6 understood up front so that applicators know and people
7 who are doing it know exactly what the requirements are
8 and where they are. Otherwise, we're going to spend a
9 lot of time working through other kinds of issues that
10 are always more complicated to work through.

11 The most I want to say in the way of outreach,
12 I also think that the model that the agency has used on
13 some other difficult topics works well, the Webinars that
14 you guys did followed up by in-person workshops. I think
15 that those things have to be done in conjunction with
16 those dates, because you have an element of getting the
17 permits; they have the element of having to enforce those
18 things.

19 So, people, I think, need to be able to have a
20 dialogue with the state regulatory people who will be
21 enforcing those. So, it might be that you schedule a
22 Webinar so that people get some sense for where you are

1 with the final permit and what has changed.

2 (Inaudible) have to have some actual in-person
3 discussions with people because it's that dialogue back
4 and forth where you say, you know, the permit says this,
5 does that mean that if I'm in this situation, this is
6 what I do. So, I think the combination of those two
7 things have worked well in the past and (inaudible) as
8 you're going forward.

9 MS. WIEDEMAN: Thank you. That's my sentiments
10 precisely. We look at getting out, speaking to people
11 personally. We have done many Webinars on this with
12 specific groups, several chief justice (inaudible). That
13 is definitely going to be a big piece of our
14 communication and outreach. We also know we need to get
15 out there and talk to people specifically. We will be
16 doing that. Thank you.

17 MR. BRADBURY: Anyone on the phone? Questions?
18 Comments?

19 (No verbal response.)

20 MR. BRADBURY: And not seeing any requests for
21 additional comments here in Potomac Yards, we will wrap
22 this session up. Thank you, Allison.

1 MS. WIEDEMAN: Thank you.

2 MR. BRADBURY: And thanks for the input and
3 advice from all of you on some of these challenging
4 issues that we still face in getting these permits
5 implemented.

6 Why don't we now turn it over to Keith Matthews
7 who will give us an update on our initiative with regard
8 to IPM in schools and also give an update on the NAFTA
9 biopesticides registration workshop that's planned for
10 this calendar year.

11 MR. MATTHEWS: Thank you, Steve. Good morning,
12 everyone. The topics on the program updates (inaudible)
13 actually are updates of ongoing actions and activities.
14 The two topics I'm going to speak on are more in the
15 realm of coming attractions. So, I have a couple of
16 previews of things that are coming in the near future but
17 they're not so much updates.

18 Number one, I want to go to the issue of school
19 IPM, an initiative that we are in the process of
20 beginning now. As everyone knows, protecting childrens'
21 health is a major priority of Administrator Jackson and
22 (inaudible) various forms have been a cornerstone in OSDP

1 for implementing programs and actions for protecting
2 childrens' health.

3 Now, to realize greater (inaudible) and
4 protecting the health of children, our assistant
5 administrator, Steve Owens, has directed that there be a
6 new emphasis on efforts to promote integrated pest
7 management in schools as they have pollution prevention
8 tools. I'm pleased to say there have been a number of
9 references to IPM already this morning and that is
10 something that is very important to the OPP and to the
11 program (inaudible).

12 So, OCS has been very active in school IPM for
13 many years (inaudible) for promoting IPM, DPPD has played
14 a major role in those activities. In the past, our
15 efforts have been focused on demonstrating that school
16 IPM works. There's a feasible and cost-effective
17 approach to pest management in schools. I recall that
18 slightly over a year ago, DPPD held a national conference
19 as part of its pest program.

20 On the agenda for that national conference,
21 Mark (inaudible) actually led a tour of the daycare
22 facilities here in EPA. He demonstrated just going

1 through the daycare facilities, he demonstrated the
2 numerous and myriad ways in which pest control can be
3 effectuated without resort to chemical means. I must say
4 that I was actually very pleased.

5 In fact, when he did that, he (inaudible) to
6 the daycare facility over there. Since I had two
7 children in that daycare facility, I was actually pleased
8 that they had done such a good job and are still doing
9 such a good job. That was a very real world example of
10 how IPM can serve to promote pest control in those sorts
11 of settings.

12 So, when we register a pesticide at
13 (inaudible), PA, course, our registration decision is we
14 have to find that the pesticides have been used in
15 accordance with the manual and will not cause any
16 unreasonable or adverse effect.

17 Having said that, one way to increase the
18 safety of children in environments such as schools is to
19 not only utilize chemical means but also to focus on a
20 comprehensive program that incorporates IPM as well as
21 (inaudible) chemical pesticides.

22 So, because of that, our goal is now to help

1 expand the use of IPMs in schools. Some of the facts
2 that relate to this or that children may be exposed
3 unnecessarily to pesticides is they're either over
4 applied or misused in the schools. There are over 53
5 million children and (inaudible) that spend the better
6 part of each workday, or each weekday, rather, in
7 schools. That's in approximately 120,000 schools
8 throughout the nation.

9 However, notwithstanding that's a fairly large
10 number, only 20 percent of those schools have verifiable
11 IPM programs. What Assistant Administrator Owens has
12 directed us to do is to try to implement some means of
13 promoting greater use of IPMs in schools.

14 To help promote the greater adoption of
15 (inaudible) IPM in schools, what we will do -- what we
16 plan to do is to increase our interactions as partners
17 of inside and outside the agency (inaudible) other EPA
18 offices. Each of the 10 EPA regions, other federal
19 agencies, the Department of Education, state,
20 (inaudible), academia, industry of course, and non-
21 governmental organizations that are dedicated to IPM
22 adoption.

1 Some of the activities that we contemplate
2 implementing to try to help promote greater utilization
3 of IPMs in schools will include internet-based training
4 of school IPMs (inaudible) managers, drawing upon
5 existing partnerships that we have through our pesticide
6 environmental stewardship program, and our national IPM
7 schools working group, exploring new partnerships with
8 groups such as National Teachers (inaudible), National
9 Education Association, the American Association of School
10 Administrators, and other groups that may be brought to
11 us.

12 We're hoping that opportunities will also exist
13 within the network of professionals dedicated to
14 (inaudible). So, as I said, this is more in the realm of
15 a preview of coming attractions, but I do look forward to
16 providing you with actual updates in the future as we
17 move forward on these very important programs.

18 MR. BRADBURY: Thank you. Why don't we go
19 ahead and see if there's any comments or questions on the
20 IPM topic.

21 UNIDENTIFIED FEMALE: So, IPM is kind of a nice
22 little buzz word. Do you have a federal definition of

1 IPM? You mentioned that only 20 percent of the schools
2 have a verifiable program. Do you have matrix for what
3 you consider to be a valid IPM program?

4 MR. MATTHEWS: Yes. Actually, we do. I turn
5 to Tom Brennan (phonetic), my branch chief in ESP. Tom,
6 can you identify for me exactly how you would determine
7 whether or not you have a verifiable IPM program?

8 MR. BRENNAN: Hello, everyone, I'm Tom Brennan.
9 I'm Chief of the Environmental Stewardship Branch and I
10 work with Keith. I mean, there are definitions of IPM
11 that go in to FQPA. There's a lot of information on what
12 IPM is.

13 When it comes specifically to the school
14 environment, we've given out some grants over the years
15 to the National IPM Institute of North America, among
16 others. Those organizations have set up a national
17 school IPM work group. Those groups are working on
18 definitions of IPM.

19 You know, IPM is pretty well known what the
20 elements are. I think a lot of people say they're doing
21 IPM, but I think for a school -- for us to count a school
22 system or a particular school as doing IPM, we need to

1 know that they've got a plan in place. Maybe they've
2 hired an (inaudible) management professional with a
3 specific contract that says that they're going to
4 implement IPM and this is what it looks like to them.
5 We'd like to think that people are properly trained in
6 IPM and maybe that's certified in the people that handle
7 chemicals at school.

8 So (inaudible) definition of what is verifiable
9 IPM, it's going to be a sort of bar, sort of a yes/no
10 bar, is this good enough IPM. Part of what we're going
11 to do is define that definition as part of the renewed
12 efforts on IPMs.

13 UNIDENTIFIED FEMALE: Just a follow up to that.
14 It seemed, as you were discussing it, that a lot of the
15 emphasis is on production of pesticides, which I
16 understand. But do your matrix also include actual
17 monitoring of the pests themselves and looking at those
18 populations and thresholds?

19 MR. BRENNAN: Sure. The goal should really be
20 described as releasing pests and pesticide exposure. You
21 know, a lot of the asthma triggers -- well, (inaudible)
22 are distractions for -- and they can be a source of

1 illness for children. Asthma triggers both. So, yes,
2 the matrix will include (inaudible) pest reduction or
3 pest control using a minimal amount of pesticides
4 necessary to accomplish (inaudible).

5 UNIDENTIFIED FEMALE: I'm just going to make a
6 quick comment and not really (inaudible) 10 years in a
7 community that is relatively small. So, there are five
8 schools in our school district. Forty miles from me is
9 the school district of one school. So, I think that
10 verifiable IPM programs usually have to be adopted by a
11 school board and usually a small district of one school
12 since nobody is even going to think of it.

13 So, I think your numbers might be skewed a
14 little bit by people are in rural districts who don't
15 know what to do with that. So, my suggestion would be,
16 if you have an IPM program that they can just adopt, that
17 you think about how you get those out to some of those
18 people, because a school district of one school does not
19 have the resources to put together an IPM program. Yet,
20 if you have done the work to put one together, I'm sure
21 they would be happy to review it and try to adopt it in
22 some fashion.

1 I mean, I also would like to support a little
2 bit of what Cheryl said. In schools, we're dealing with
3 some real scorpions, (inaudible), and fire ants regularly
4 in our schools. You have to do something. I'm not going
5 to suggest what that is. So, again, if you have a
6 program, they're faced with the reality of having to do
7 something. If you could send them something to get them
8 some information that they could review and adopt, I
9 think it would be helpful.

10 MR. BRENNAN: Again, one of the things that we
11 continue to do is develop internet-based training on IPMs
12 that would be available for schools in a situation
13 (inaudible).

14 MR. BRADBURY: Thanks. Let me just do a check
15 in on the phones and see if any PPDC members on the
16 phone -- any questions or comments?

17 MR. JACKAI: This is Jackai. I do have a
18 question I'd like to raise. Is there a minimum or a
19 maximum level of IPM that one would expect from the
20 school? Secondly, do the schools on their own determine
21 how much IPM to practice or how little? Is there a
22 rubric for measuring that?

1 MR. MATTHEWS: Well, I'll chime in here. I
2 don't think that what we're trying to do is to implement
3 a complete top-down approach from Washington, D.C., which
4 is that this is the program and this is how (inaudible).
5 What we're trying to do, as Tom pointed out earlier
6 (inaudible) principles that incorporate -- or certain
7 practices that incorporate the basic principles of the
8 types of (inaudible).

9 MR. BRADBURY: Peter.

10 PETER: I just want to make a comment that the
11 (inaudible) department (inaudible) not only in schools
12 but also the daycare centers and family home daycare
13 centers (inaudible) look at but also get out into the
14 (inaudible).

15 MR. MATTHEWS: That's excellent. I think
16 that's very helpful.

17 UNIDENTIFIED MALE: In reaction to what Peter
18 just said, realize that sometimes involving health
19 inspectors can get double edge sworded as far as trying
20 to do IPM because if they're not aware of what IPM is and
21 how that can lead to more effective pest management,
22 sometimes the reaction is they require (inaudible) even

1 if that's the best way to do it (inaudible). I also know
2 that there are trainings that are available and have been
3 very well received by (inaudible) health inspector
4 community (inaudible) something very helpful for health
5 inspectors to have much more exposure to (inaudible).

6 UNIDENTIFIED MALE: To follow up on that point
7 directly, when you say a training, is that training in
8 IPMs that are available for these professionals?

9 UNIDENTIFIED MALE: Yeah. There's actually
10 some training -- I think Mark actually had something to
11 do with that. I'm not sure. It's training that's
12 oriented towards health inspectors and sort of gives them
13 the tools to understand how their role sort of interacts
14 with pest management and how to do that most effectively
15 without causing more problems (inaudible). I can help
16 you find them.

17 The number of tools out there -- I didn't hear
18 you mention -- and I know Tom is aware of it, but the
19 National Pest Management Association and Greenshield
20 (phonetic) and Equalwise (phonetic), and there's probably
21 some others by now, but there are some certified IPM
22 programs out there available.

1 I think it would be very helpful for school
2 districts, school administrators, to be aware that if you
3 don't know how to do this, then contract with
4 professionals that are certified to provide a legitimate
5 IPM program (inaudible) in schools.

6 For schools that don't hire out, very much try
7 to encourage them, if you're using pesticides -- if your
8 staff is applying pesticides, work with the state, work
9 with (inaudible) and try and get some sort of requirement
10 that there be IPM training for institutional abuses,
11 because right now that's a very weak (inaudible).

12 Finally, if there's a way to incorporate
13 continuing education credits for -- I know that probably
14 people (inaudible) are likely to be attracted to that --
15 to get teachers and administrators (inaudible) very
16 helpful (inaudible) continuing education credits attached
17 to training (inaudible). That's something that, you
18 know, once you get over that bar (inaudible).

19 MR. MATTHEWS: You guys raise a very good
20 point. I should point out that, as I said, this is a
21 program that we are in the process of beginning to have
22 (inaudible). Given the stringent times (inaudible)

1 comprehensive nature of everything that we're thinking.

2 I just want to provide a basic overview of the program

3 (inaudible).

4 MR. BRADBURY: Carolyn, and then we'll check in
5 on the phone.

6 CAROLYN: First, I just wanted to say thank you
7 for putting more agency resources into this area because
8 I think it's a really important subject. I also just
9 wanted to echo what Dave said about the certified
10 applicators. If there's a way that EPA can encourage
11 sole districts who do contract to use certified
12 applicators, I think what that will do is create more
13 demand for these certification programs.

14 Then, what happens is that those certified
15 applicators are available not only for IPM in schools but
16 also for any other institution or just homeowners or
17 landlords who wish to use IPMs. So, I think jump
18 starting that demand is a really important role that EPA
19 could help with.

20 MR. BRADBURY: Thanks. Let me check in again
21 on the phone to any members of the PPDC for any comments.

22 (No verbal response.)

1 MR. BRADBURY: Jennifer Sass.

2 DR. SASS: (Inaudible) elevates their staff
3 from potentially untrained workers to trained workers
4 (inaudible) so that their employees are more valuable.
5 Same with the teachers (inaudible).

6 UNIDENTIFIED MALE: I think that's an excellent
7 idea in terms of exploring, as we said, exploring new
8 partnerships.

9 DR. SASS: I work with (inaudible) help train
10 the workers and certification programs and training away
11 from the hazardous cleaning products, because the
12 janitorial staff was so exposed to such a high level of
13 (inaudible).

14 MR. BRADBURY: Thanks.

15 Marylou, you get the last comment.

16 MS. VERDER-CARLOS: In California, we have
17 (inaudible) where some of our staff (inaudible).

18 MR. MATTHEWS: Thank you.

19 MR. BRADBURY: Thanks. One last one and then
20 we're going to stop this and move on.

21 UNIDENTIFIED MALE: There's been a lot of
22 through and effort gone into defining IPMs (inaudible).

1 I don't think that (inaudible) start over (inaudible)
2 they should utilize (inaudible) that will involve the use
3 of pesticides where they're necessary. I think if you
4 include it in your surveys of IPM use in schools, surveys
5 of parents, so many of them have concerns about pesticide
6 use. More of them have concerns about presence of
7 pesticides in schools. I want to make sure that
8 (inaudible).

9 MR. BRADBURY: All right. Let me just
10 interject. Think about this topic as we go to tomorrow
11 just before lunch. Start thinking about some topics or
12 issues that the committee may want to dive into that may
13 be really helpful for us as well. So, by saying Mark is
14 the last word, I don't think it's going to be the last
15 word. Think about this also for tomorrow.

16 MARK: I am consistently told I am not the last
17 word. I was also told that this committee would be a lot
18 of fun. I have to speak on this.

19 By and large, I basically agree with CropLife's
20 representative on redefining IPM. But I do think and I
21 encourage everyone from this point forward when it comes
22 to IPM to move to a new direction, which is talking about

1 what is not IPM rather than what is IPM. That will help
2 us narrow the scope in any area, particularly when it
3 comes to childrens' health.

4 MR. BRADBURY: Thanks. Good discussion. I
5 think we've got something going here that will be useful
6 for the future.

7 We'll have Keith now move on to an update on
8 biopesticides registration.

9 MR. MATTHEWS: I just want to give a brief
10 preview of a workshop that we're going to have, NAFTA
11 Biopesticides Registration Workshop. We're going to host
12 here at Potomac Yards a biopesticides registration April
13 13th and 15th of next year. So, the target audience for
14 that training course and workshop will be applicants and
15 consultants, certifiable pesticide industry in North
16 America. Of course, the state police who want to come
17 are welcome.

18 This is a follow up to a similar workshop and
19 training session (inaudible) Canada held in 2001. The
20 meeting will occur over the course of two-and-a-half days
21 and will feature presentations from all three countries,
22 all three (inaudible) countries - Canada, Mexico, and the

1 United States -- on the processes and requirements for
2 registering biopesticides in those countries.

3 The intent is to focus on issues that are
4 recurring, recurring problem issues, if you will, that
5 made the application process difficult for applicants.
6 What we'd like to do is provide participants with
7 (inaudible) in terms of how to submit a successful
8 application to the pesticide registering authorities of
9 the various countries. So, this will hopefully reduce
10 the amount of time necessary to obtain successful
11 registration of biopesticides.

12 On the agenda, which has not been set finally
13 but it's in the process of development, I hope to have
14 presentations by IR-4 and their Canadian counterpart, an
15 industry perspective from BPIA and it's Mexican
16 counterpart, and also from organic producers. This again
17 is not final but we are contemplating having a breakout
18 session on registration of transient plant centers
19 (inaudible) pesticides (inaudible). So, that's just not
20 certain whether or not we're going to have that breakout
21 session, but it's under consideration.

22 There will not be a registration fee.

1 Perspective attendees, however, are going to be requested
2 to register in advance so we will know many participants
3 to anticipate. We will also plan to hold the event as a
4 Webinar for those who cannot attend in person. The
5 intent is to have the agenda completed by mid-January,
6 formally announce at the meeting at that time. When we
7 announce the meeting, we will provide staff contacts
8 within PPDC to those would like additional information.

9 MR. BRADBURY: Thank you. Let's open it up to
10 any comments/questions.

11 UNIDENTIFIED MALE: You said something about
12 registration of (inaudible). What is the state of that?

13 MR. MATTHEWS: The status of that is that we've
14 been registering transmitted plants of expressing
15 pesticides ever since 1995, registration in 1995. We
16 currently register crops that -- forgive me if the
17 numbers are not exactly correct, but I think it
18 constitutes about approximately 60 percent of the United
19 States foreign crop and up to 75 percent of the United
20 States cotton crop. These are plants that express
21 pesticides within their tissues (inaudible).

22 UNIDENTIFIED MALE: And does this registration

1 process include consideration (inaudible)?

2 MR. MATTHEWS: That is an excellent question,
3 and I am pleased to answer that question. I am pleased
4 to say that BPPD is the world leader in consideration of
5 insect resistance and promoting techniques with respect
6 to (inaudible) management. I am pleased to say, and
7 actually quite excited to say, that in the 16 years that
8 we've been registering these products, we have not had
9 one instance of confirmed existence within the United
10 States to the transient BT plants and crops that we
11 register. That is a very major focus of our regulatory
12 activities.

13 MR. BRADBURY: Kristie.

14 MS. SULLIVAN: (Inaudible)

15 MR. MATTHEWS: Yes, definitely.

16 MR. BRADBURY: Jerry.

17 JERRY: Keith, I was just wondering, it's sort
18 of outside of this workshop, but has there been
19 activities within (inaudible) country's harmonization of
20 biopesticide data requirements? Have we gone beyond
21 Canada and Mexico (inaudible)?

22 MR. MATTHEWS: Yes.

1 JERRY: Like conventional (inaudible).

2 MR. MATTHEWS: Yes.

3 MR. BRADBURY: Donna.

4 DONNA: I was wondering if EPA was going to
5 help encourage (inaudible) get them on board (inaudible)?

6 MR. BRADBURY: This is broader than just the
7 biopesticide topic, but I think it was about three weeks
8 ago we had a NAFTA meeting in Mexico City. We had a
9 public session on the planning for the biopesticide
10 workshop that Keith described. There was very
11 significant engagements by not only the Mexican
12 regulatory authorities but producers and growers. So, we
13 were very encouraged by that public session and are
14 looking forward to a pretty significant involvement of
15 the Mexican colleagues.

16 We also spent a fair amount of time talking in
17 public sessions with their growers as well as in the
18 government sessions around the challenges the Mexican
19 government is going through and revising their
20 regulations so that it will be easier for them to be in
21 compliance with their laws and be participating in joint
22 reviews.

1 We are making quite a bit of progress in
2 Mexico. They're currently revising hundreds of
3 regulations to try to streamline the process on this
4 issue. In Mexico, they basically can't register a
5 product until it's been registered in the United States
6 or Canada, or Europe. So, it makes it very difficult to
7 deal with joint review with them because they can't start
8 looking at the chemicals until the U.S. or Canada has
9 registered it.

10 So, it will be good to have some discussions
11 about what the pathway forward could be, what we might be
12 able to do (inaudible) as opposed to the new way. So, I
13 thought it was a very encouraging session (inaudible)
14 country (inaudible). There was a lot of interest in
15 organic production, pesticides, and how to get those
16 (inaudible).

17 Let me see if there's anyone on the phone that
18 has a question or a comment.

19 (No verbal response.)

20 MR. BRADBURY: Thank you, Keith. We'll be
21 working through the PPDC and other venues to make sure
22 everybody is aware of the workshop as the planning

1 proceeds.

2 Now, for our last session before the lunch
3 break, I'd like to turn it over to Kelly Sherman who is a
4 senior advisor in the immediate office of the Office of
5 Pesticide Programs. Kelly and others have been working
6 on an update to the protections for subjects in human
7 research rule. I'll turn it over to Kelly to give you an
8 update of where we are.

9 MS. SHERMAN: Thank you. I'm here to give you
10 just a little bit of background about (inaudible). The
11 (inaudible) is currently on the books now, promulgated in
12 February of 2006 (inaudible) some increasing controversy
13 in the late '90s and early 2000s related specifically to
14 research (inaudible). In late 2005, there was
15 (inaudible) EPA could no longer rely or consider
16 (inaudible) conduct some type of study (inaudible).

17 Up to that point, the rule that (inaudible).
18 It is modeled on the common rule and it specifically
19 prohibits EPA relying on research involving intentional
20 exposure of children, and pregnant and home nursing
21 women. That was a requirement of the Appropriations Act.
22 The Appropriations Act also specifically says that

1 (inaudible) laid out in the 2004 report from the National
2 Academy of Science and also with a consultant (inaudible)
3 Nuremberg Code (inaudible).

4 Shortly after the rule was put out, it was
5 challenged by (inaudible) followed by Senators Boxer and
6 Nelson and Representatives Wasman and Solis.

7 The (inaudible) arguments, there were three.
8 The first was the scope of the rule was not consistent
9 with the Appropriations Act (inaudible). I'll talk a
10 little bit more about that in a second. Two other
11 challenges (inaudible) not consistent with the NAS report
12 of 2004 or the principles of the Nuremberg Code.

13 The litigation chronology was that briefs and
14 oral arguments were held before the U.S. Court of Appeals
15 in the Second Circuit. That took place between late 2006
16 and January of 2008. The litigation was stayed in April
17 2009 to permit settlement negotiations to take place.
18 And that (inaudible) a little over a year and settlement
19 was reached in June of this year.

20 The settlement agreement sets out a schedule as
21 far as the rule making (inaudible) when we will sign both
22 the proposed and final amendment to the rule. Attached

1 to the settlement agreement are specific regulatory
2 (inaudible) in the rule that would address the three
3 concerns. As I said, it lays out a pretty tight schedule
4 for (inaudible).

5 Just to give more detail about the three major
6 challenges. The first, as I mentioned, was the scope
7 issue. The (inaudible) not by EPA or funded by EPA
8 (inaudible) by anyone else besides EPA or funded by EPA.
9 (Inaudible) research conducted with any test substance.

10 It doesn't matter what the substance is, but
11 what is important is whether that research is intended
12 (inaudible) under either FIFRA or FFDCA (inaudible).
13 What we're concerned about is that somebody could test
14 with a pesticide (inaudible) under a different statute
15 and that ultimately could make its way (inaudible).

16 We thought that was unlikely, but to address
17 their concerns, we added an additional scope in the rule
18 that now says that any (inaudible) considered by EPA
19 under any other regulatory tests. So, we wanted to keep
20 the original definition of scope in place so that we
21 (inaudible) not much impact on the way things are
22 happening right now, but it will (inaudible) people who

1 are concerned about (inaudible).

2 As I mentioned, we don't think it will affect
3 (inaudible) submit it for review. Right now, what we're
4 receiving are primarily worker (inaudible) studies,
5 insect repellent studies (inaudible) went into effect in
6 2006 and receipt of any studies that are (inaudible).

7 The other two challenges, the first had to do
8 with consistency of the NAS recommendations. What we did
9 here is actually took some of the language from
10 specifically (inaudible) support and embedded it in
11 (inaudible). In practice, we were following all these
12 considerations, but it wasn't complete in the rules and
13 now it will be (inaudible).

14 These are a few topics we'll be considering,
15 both in science review and ethics review (inaudible)
16 concerning validity of the data (inaudible). Again,
17 they'll be keeping with what our practice has been up to
18 this point (inaudible).

19 The third major argument has to do with
20 consistency with the Nuremberg Code (inaudible) common
21 rule. In the common rule (inaudible) contract
22 representative sent on behalf of someone who can't

1 (inaudible). So, this provision was within our rule
2 because it mirrored the common rule. We are removing
3 that. The Nuremberg Code does not allow (inaudible).

4 There is really no way that (inaudible) not
5 allowing children in our study so that the situation
6 (inaudible) and also added conditional language out of
7 the Nuremberg Code to make sure they're focused on when
8 (inaudible). So again, we think it won't have any impact
9 on the way it (inaudible).

10 I mentioned the settlement agreement requires
11 us to propose language that is substantially consistent
12 with the language that we've negotiated with the
13 petitioner (inaudible) says a proposed rule should be
14 signed by 18 January of this year. So, we expect that
15 the rule will hopefully be out for comments later in
16 January and then scheduled for final signature in
17 December of this year.

18 MR. BRADBURY: See if anybody is on the phone.
19 Any questions or comments from the phone?

20 UNIDENTIFIED FEMALE: If you've already gone
21 through a lot of response to a lawsuit, what wiggle room
22 or what changes would you expect to happen during that

1 public comment period? How much change can you actually
2 make?

3 MS. SHERMAN: (Inaudible) the proposed language
4 but (inaudible) public comment and then report with a
5 final rule that addresses comments. So (inaudible).

6 MR. BRADBURY: Any other questions/comments?
7 Kristie?

8 MS. SULLIVAN: I have a couple questions. The
9 first one is (inaudible). Can you elaborate on what the
10 scope of (inaudible)? I'm not familiar with any
11 (inaudible).

12 MS. SHERMAN: Well, right now (inaudible) is
13 being processed for -- are you familiar with that?

14 MS. SULLIVAN: Yes.

15 MS. SHERMAN: Okay. So, basically, we have a
16 set of items that (inaudible) are being considered
17 (inaudible). So, what we're doing here is there are a
18 couple (inaudible) that were missing -- in the NAS
19 reports that were missing from (inaudible) specifically
20 considering in their reviews (inaudible). We have a
21 pretty set template for our review (inaudible).

22 There are things that we are thinking about,

1 you know, balancing, ensuring that there's a risk
2 management balance and making sure that there is a
3 (inaudible) research, things like that (inaudible),
4 things that we were doing already but that they felt
5 (inaudible). We thought all along that our rule
6 (inaudible) NAS reports (inaudible).

7 MS. SULLIVAN: (Inaudible).

8 MS. SHERMAN: Yes. In reviewing (inaudible)
9 and also considering to ensure that the research would be
10 safe (inaudible) based on what the animal research said.
11 So, just making sure you've looked at all those before
12 (inaudible).

13 MS. SULLIVAN: Thank you.

14 MS. SHERMAN: Sure.

15 MR. BRADBURY: Carolyn Cox.

16 MS. COX: Could you give us just a brief
17 outline of what human research is (inaudible) right now?
18 I mean, you don't have to go through all the details but
19 just kind of what kinds of testing and what kinds of
20 pesticides are involved, just for those of us who aren't
21 working on this issue?

22 MS. SHERMAN: Sure. The research -- you're

1 talking about the research that's underway?

2 MS. COX: Yes.

3 MS. SHERMAN: It sort of remains (inaudible).
4 There are two task forces that are generating data. One
5 is the agricultural (inaudible) task force. They're
6 generating data on exposure of workers that are handling
7 pesticides. These studies are based on many protocols
8 and we are about to take the first completed report from
9 (inaudible) in January.

10 These are studies where a worker (inaudible)
11 long underwear under his normal work clothes (inaudible)
12 to monitor for inflation of exposure and then goes back
13 to work in similar ways that he might normally be working
14 but maybe (inaudible) or something has been altered a
15 little bit so that it basically achieves good balance
16 scientifically in the study but it's specifically looking
17 at how much exposure the worker was getting when he was
18 (inaudible). That's one group of studies.

19 There's a second task force called the
20 antimicrobial exposure (inaudible) doing similar exposure
21 work but with antimicrobial compounds. So, one study
22 that recently came to the HSRB and the EPA was a study of

1 janitorial workers and their exposure (inaudible)
2 inhalation monitors (inaudible) measuring how much of the
3 cleaning compound they're being exposed to (inaudible).

4 The third major type of study that we're seeing
5 are our insect (inaudible) studies. So, these are
6 testing insect repellants, mosquitos, (inaudible) to see
7 (inaudible). The only way (inaudible) good way at this
8 point scientifically to test efficacy of these products
9 is on humans. Subject will apply an insect repellant to
10 a portion of their arm or something and then go into an
11 area that has mosquito (inaudible) and they'll feed off
12 the products (inaudible).

13 MS. COX: Do you (inaudible) you'll see a lot
14 of different kinds of human research coming to the
15 agency? I know you can't predict the future, but what do
16 you expect?

17 MS. SHERMAN: I mean, the basic rule is already
18 in place in some places (inaudible) are pretty small on
19 the margin because we really don't think there's going to
20 be any change. Before the 2006 rule was in place, we
21 were getting a few toxicity studies. Those are studies
22 where a person (inaudible) pesticide in it and they would

1 be looking at (inaudible). The new changes are pretty
2 small. These are pretty small changes, as I mentioned,
3 so we don't think there's going to be any major change
4 (inaudible).

5 UNIDENTIFIED MALE: You mentioned some exposure
6 studies. Do any of the studies include actually looking
7 to see what the uptake is and whether there's any
8 (inaudible) markers that indicate some sort of
9 (inaudible)?

10 MS. SHERMAN: These studies that we've seen
11 recently (inaudible).

12 UNIDENTIFIED MALE: Then also, I was wondering
13 if the way the rules are, whether they would make that --
14 how they would (inaudible) that type of study (inaudible)
15 tissue samples (inaudible) new ruling (inaudible) that
16 would make that easier or more difficult?

17 MS. SHERMAN: The (inaudible) rule is a pretty
18 stringent rule. The (inaudible) that we are proposing
19 here I don't think would have much of an impact on the
20 considerations (inaudible). The current rule we have in
21 effect requires a lot of balancing (inaudible). We do an
22 independent review and then they do their own review

1 (inaudible) and gets the feedback from (inaudible). It's
2 a pretty rigorous process. Does that answer your
3 question?

4 UNIDENTIFIED MALE: Yes.

5 UNIDENTIFIED FEMALE: I've noticed some
6 differences in interpretation of the way EPA defines
7 absorbed dose. I'm wondering where that stands now.

8 MS. SHERMAN: (Inaudible).

9 MR. BRADBURY: Can you give us a little bit
10 more of the context of the question?

11 UNIDENTIFIED FEMALE: Monitoring studies where
12 workers are normally exposed, the pesticide can be
13 measured in urine. I've seen several cases where if the
14 pesticide (inaudible) changed, it is considered to not be
15 absorbed. That seems counterintuitive to me (inaudible),
16 definitely made it into the body (inaudible) has to be
17 changed in the body and (inaudible) in the body to have
18 this effect.

19 MR. BRADBURY: I think that's something we can
20 (inaudible) maybe around internally absorbed dose,
21 delivered dose, like tissue versus absorbed (inaudible).
22 That's an important point, at a minimum, for

1 clarification, differences in (inaudible).

2 Let me just check and see if there's anybody on
3 the phone. I think everybody else in the room has had a
4 chance that wanted to talk. Anybody on the phone?

5 (No verbal response.)

6 MR. BRADBURY: All right. We're not doing too
7 bad. We're only about five minutes off schedule. So,
8 we'll reconvene at 1:15 and pick up the next session
9 right after lunch.

10 (Whereupon, a luncheon recess was taken.)

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